

Date: January 26, 2017

To: House Transportation Committee

From: Larry R. Baer
General Counsel

Re: House Bill 2040 – Testimony in Opposition

Thank you for allowing me to appear before the Committee today and present testimony on behalf of the League of Kansas Municipalities and our member cities. The League does not have a position on whether the legislature should permit video cameras in school buses. The League, however, does oppose specific provisions in the bill because they create unfunded mandates upon cities.

New section K.S.A. 8-1566(e)(C)(3) requires a copy of the recorded image of the person committing the violation to be furnished to the violator when a citation for violation is served upon the vehicle owner. In addition, new section K.S.A. 8-2106(h) requires that a law enforcement officer serve the written citation of the violation on the person charged by use of certified mail. Cities will incur costs for both of these actions. There is cost associated with the storage and duplicating of the video from the school bus camera. There may also be issues related to evidentiary chain of custody before the video is delivered to the city. There are also costs incurred to prepare and send certified mail. There are no provisions in the bill to allow a city to recover these costs. In addition, because of the significantly enhanced penalties for second and third offences, there is a much stronger possibility of the need to hold trials on the matter. This increase costs to the city because of police officer and prosecutor time involved.

Finally, there is a strong possibility that the law will be challenged on a constitutional basis. It would be the city's responsibility to defend such an action. Again, there is no mean to recover the city's expenses.

The League opposes HB 2040 for the reasons stated above. We cannot support legislation that clearly establishes unfunded mandates upon the cities of Kansas. If there is an interest from the Committee, however, to explore ways to help cities recoup additional expenses incurred in the process set out by HB 2040, the League would be happy to set down and explore this.

Thank you.